

Town Board Minutes

**Meeting
No. 22**

Regular Meeting

August 3, 1998

MEETINGS TO DATE 22
NO. OF REGULARS 15
NO. OF SPECIALS 7

Page 496
LANCASTER, NEW YORK
AUGUST 3, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 3rd day of August 1998 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
DONALD KWAK, COUNCIL MEMBER
MARK MONTOUT, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
CHRISTINE FUSCO, ASSESSOR

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND
UNANIMOUSLY CARRIED, the Town Board voted at 9:35 P.M. to deliberate in Executive Session for the announced purpose of discussing a police contract matter.

At 10:15 P.M., the Town Board reconvened with all members present.
The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Carmina, Steve, 9 Spruceland Terrace, spoke to the Town Board on the following matter:

- Opposed to the issuance of a Special Use Permit to Elizabeth Bennett for a home occupation at 53 Hemlock Ln.

Nosek, Cheryl, 41 Spruceland Terrace, spoke to the Town Board on the following matter:

- Opposed the issuance of a Special Use Permit to Elizabeth Bennett for a home occupation at 53 Hemlock Ln.

Snyder, Linda, 9 Michael's Walk, spoke to the Town Board on the following matter:

- Oil leaking from a neighbor's car parked on the street in front of 9 Michael's Walk..

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter: ^{Page 497}

- Tops Distribution Center payment in-lieu of taxes.

Hammer, Fred, 240 Ransom Road, spoke to the Town Board on the following matter:

- Urged the Supervisor to work closely with the School Board to reduce taxes.

Bennett, Elizabeth, spoke to the Town Board on the following matter:

- Addressed the concerns of her neighbors in support of her request for a Special Use Permit for a home occupation.

Rego, Art, 37 Hemlock Lane, spoke to the Town Board on the following matter:

- Expressed opposition to the granting of a Special Use Permit to Elizabeth Bennett for a home occupation at 43 Hemlock Lane.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Developers who abuse Town drainage channels.

Stanko, John, 10 Pleasant View Drive, spoke to the Town Board on the following matter:

- Restoration of black top and lawn seeding in his front yard due to disturbance from a Town water improvement project.

Weiss, Steve, 135 Olmstead Avenue, spoke to the Town Board on the following matter:

- Procedure to reduce the assessment on his home.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Cynthia Goss for a Special Use Permit for a Home Occupation (Law Enforcement Counseling Services) on premises locally known as 36 Woodgate Drive, Lancaster, New York.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

ADDRESS

Vincent Hanley, Attorney,
representing Cynthia Goss, the petitioner

Thomas Fowler, Chief of Police

OPPOSERS

ADDRESS

Irene Skretney

15 Woodgate Drive, Lancaster

COMMENTS & QUESTIONS

ADDRESS

Gail Lang

10 Lombardy, Lancaster

ON MOTION BY COUNCIL MEMBER MONTGOMERY, AND SECONDED BY
COUNCIL MEMBER CONNELLY AND CARRIED, by unanimous voice vote, the Public
Hearing was closed at 8:45 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed amendment of Chapter 50-Zoning, Article VIII, 50-43 (B) of the Code of the Town of Lancaster for the administration and enforcement of the Site Plan Review.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

ADDRESS

OPPOSERS

None

ADDRESS

COMMENTS & QUESTIONS

Steve Carmina

ADDRESS

9 Spruceland Terrace, Lancaster

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER CONNELLY AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:50 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on July 20, 1998 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 3, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
CONNELLY TO WIT:

WHEREAS, Jean Fialkiewicz, an assistant to the Supervisor of the Town of Lancaster, by letter dated July 27, 1998, has requested permission to carry over her three (3) days vacation time accrued which she cannot take by her anniversary date of August 1, 1998.

NOW, THEREFORE, BE IT

RESOLVED, that Jean Fialkiewicz, an assistant to the Supervisor of the Town of Lancaster, shall be permitted to carry over her three (3) days vacation time to her 1998 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 3, 1998

File: Rpers.vac (P4)

PREFILED RESOLUTION NO. 3 - MEETING OF 8/03/98

3. Montour/_____ Amend Zoning Ordinance Re: Text Change Chapter 50-43 (B)
Site Plan Review

At the request of Council Member Montour, this resolution was withdrawn for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
CONNELLY TO WIT:

Page 502

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 3436 to Claim No. 3680 Inclusive

Total amount hereby authorized to be paid: **\$670,225.46**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 3, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt # SW	Applicant Name	Address	Structure
5232	Jerry Di Giacomo	30 Gale Dr	Er. Sin. Dwlg
5233	Jerry Scarcella	49 Quail Run Ln	Er. Fence
5234	Val Walczynski	140 Stony Rd	Er. Pool
5235	Leonard Piontkowski	5765 Broadway	Ex. Garage
5236	Majestic Pools Inc	1 Willow Ridge Ct	Er. Pool
5237	Joseph Abati	10 Overton Ct	Er. Shed
5238	Robert Swahlon Jr	5086 William St	Er. Garage
5239	Lancaster Home Imp	3778 Bowen Rd	Ex. Sin. Dwlg
5240	James Bielawa	19 Sagebrush Ln	Er. Pool
5241	City Fence Inc	49 Creekwood Dr	Er. Fence
5242	Fred Catalano	24 Quail Run Ln	Er. Pool
5243	Joseph Cuff	16 Grace Way	Er. Pool
5244	Josephine McClure	394 Harris Hill Rd	Er. Deck
5245	Jim Takacs	1 Alyssum Ct	Er. Deck
5246	Glenn Schilling	6711 Transit Rd	Er. Temp. Sign
5247	St. Adalbert's	6200 Broadway	Er. Garage
5248	Donald Butlak	5798 Broadway	Ex. Garage
5249	Majestic Pools Inc	695 Schwartz Rd	Er. Fence/Pool
5250	Barbara Owczarczek	79 Michael's Wlk	Er. Pool
5251	Donald Harder	14 Hunters Dr	Er. Shed
5252	James Bielawa	19 Sagebrush Ln	Er. Shed
5253	G & J Bldrs & Remdlers	1 Primrose Ln	Ex. Sin. Dwlg
5254	Joanne Pawlowski	15 Grace Way	Er. Pool
5255	Joel Hildebrandt	6 Edward St	Er. Deck
5256	Michael Carroll	22 Clermont Ct	Er. Shed
5257	Kiddie Kastle	3966 Walden Ave	Er. Fence/Pool
5258	Robert Williams	420 Townline Rd	Er. Shed
5259	Wayne Weisdel	6427 Genesee St	Er. Fence
5260	Marrano/Marc Equity	17 Woodgate Dr	Er. Sin. Dwlg
5261	Marrano/Marc Equity	15 Butler Dr	Er. Sin. Dwlg
5262	Marrano/Marc Equity	15 Stone Hedge Dr	Er. Sin. Dwlg

5263	Marrano/Marc Equity	12 Woodgate Dr	Er. Sin. Dwlg
5264	David Huffaker	3 Huntington Ct	Er. Shed
5265	Lou Caruana	44 Running Brk Dr	Er. Shed
5266	Paul Radder	230 Enchanted Fst N	Er. Shed
5267	Majestic Pools	189 Pavement Rd	Er. Fence/Pool
5268	Majestic Pools	32 Whitestone Ln	Er. Fence/Pool
5269	Bruce Carter	4947 William St	Er. Fence/Gazebo
5270	Alan Aures	2 Matthews Dr	Ex. Roof
5271	Marrano/Marc Equity	63 Old Post Rd	Er. Sin. Dwlg
5272	Marrano/Marc Equity	54 Woodgate Dr	Er. Sin. Dwlg
5273	David Pirrami	11 Candlestick Ct	Er. Shed
5274	Dave Peters	7 Signal Dr	Er. Fence/Pool
5275	David Cornell	265 Schwartz Rd	Er. Garage

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 3, 1998

Council Member Montour requested a suspension of the necessary rule for immediate consideration.

SUSPENSION GRANTED:

**FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:**

*Rescinded
December 21, 1998
PPT*

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing One New and Unused 1998 or 1999 Dump/Plow Truck with Cab and Chassis, Hydraulics and Box and Plow Rigging for use by the Highway Department of the Town of Lancaster in accordance with the specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were opened on July 30, 1998, and

WHEREAS, by letter dated August 3, 1998, the Highway Superintendent has recommended the purchase of the following equipment:

1. One (1) New and Unused 1999 2-Wheel Drive Model L9513 Sterling Truck from Genesee Truck Sales, 1280 Jefferson Road, Rochester, New York 14692 being the lowest responsible bidder in accordance with said specifications, said bid being in the sum of \$67,818.00, which includes a \$10,000. trade-in for the 1977 Oshkosh cab, chassis, plow and wing; and
2. Box, Plow and Hydraulics from Cyncon Equipment Inc., 7494 W. Henrietta Road, Rush, New York 14543, being the lowest responsible bidder in accordance with the specifications, said bid being in the sum of \$39,993.00.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Lancaster hereby authorizes the Highway Superintendent of the Town of Lancaster, to purchase the following equipment:

1. One (1) New and Unused 1999 2-wheel drive Model L9513 Sterling Truck from Genesee Truck Sales, 1280 Jefferson Road, Rochester, New York 14692, for the sum of \$67,818.00, said amount includes a \$10,000.00 trade-in for a 1977 Oshkosh cab, chassis, plow and wing; and
2. One Box, Plow and Hydraulics from Cyncon Equipment, Inc., 7494 W. Henrietta Road, Rush New York 14543, for the sum of \$39,993.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 3, 1998

*Rescinded
December 21, 1998
PPT*

File: raweqmt.

Council Member Montour requested a suspension of the necessary rule for

Page 507

immediate consideration of the following resolution:

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:**

WHEREAS, the Town Highway Superintendent has advised the Town Board, by letter dated August 3, 1998, that it is necessary to enter onto private property located at 357 Erie Street, and

WHEREAS, such access is needed in order to effect the replacement of the box culvert on Erie Street, which culvert presently poses a safety hazard to motor vehicles and pedestrians, and

WHEREAS, Section 147 of the Highway Law, provides that the Highway Superintendent is authorized to enter upon said property for said proposed work when authorized by the Town Board;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Highway Superintendent is hereby authorized to enter upon property located at 357 Erie Street in the Town of Lancaster for the purpose of replacement of the box culvert on Erie Street, which culvert poses a safety hazard to motor vehicles and pedestrians, with the understanding that any disturbance that may occur during construction will be repaired as close to original as possible.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 3, 1998

File: rbxclvt.898

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:**

WHEREAS, the Receiver of Taxes of the Town of Lancaster, by memorandum dated August 3, 1998, has advised the Town Board that she is in the process of automating her department's investment procedures to include the wire transfer of funds, and

WHEREAS, it is necessary for the Receiver of Taxes to execute a Funds Transfer Agreement With M&T Bank, which is an official depository of the Town of Lancaster, and

WHEREAS, by same memorandum, the Receiver of Taxes has requested authorization from the Town Board to enter into a Funds Transfer Agreement with M & T Bank for the reasons stated above,

NOW, THEREFORE, BE IT

RESOLVED, that the Receiver of Taxes of the Town of Lancaster be and is hereby authorized to enter into a Funds Transfer Agreement with M & T Bank in order to make wire transfers..

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 3, 1998

File: RBLANK

COMMUNICATIONS:

Page 509

489. Village of Depew Mayor to Town Clerk -
Notification of public hearing on August 3, 1998 re. variance for McDonald's.
DISPOSITION = Planning Committee
490. NYSDOT to Supervisor -
Transmittal of 1998 Design Report for projects involving Walden Ave. at Central Ave. and
Walden Ave. at Cemetery Rd. DISPOSITION = Town Engineer
491. Congressman Quinn to Supervisor -
Advise of available information from FEMA for the disaster relief process namely recent
flooding. DISPOSITION = Received and Filed
492. Legislator Frederick J. Marshall to Supervisor -
Letter of appreciation for outstanding work the County-Municipal Regionalism Committee has
done in making regionalism a successful reality. DISPOSITION = Received and Filed
493. Lancaster Village Dep. Mayor to Senator Volker -
Personal assessment and suggestions re. widening of Broadway. DISPOSITION = Received
and Filed
494. Lawley Service to Municipal Insurance Consultant Brian Baty -
Advise of insurance renewal. DISPOSITION = Received and Filed
495. NYSDEC to Highway Superintendent -
Enclosure of Emergency General Permit Application available for flood damage work
pertaining to phone call from Ms. G. Schleicher. DISPOSITION = Disaster Coordinator
496. Erie County Clerk's office to Supervisor -
Adoption of resolution thanking members of the County-Municipal Regionalism Committee
and the recommendation of 19 proposals for funding. DISPOSITION = Received and Filed
497. Town Clerk to Zoning Board of Appeals -
Transmittal of legal notice re: public hearing on variance petitions to be held August 13, 1998.
DISPOSITION = Received and Filed
498. NYSDOT to Town Attorney -
Comments re: SEQR/Site Plan Review Dunn Tire. Disposition = Planning Committee
499. E DEP to Town Attorney -
Results of review re: Rezone & Site Plan Dunn Tires. Disposition = Planning Committee
500. NYSDEC to Dep. Town Attorney -
Designation of Town of Lancaster as SEQR Lead Agency for Dunn Tire rezone and site plan.
Disposition = Planning Committee
501. Marrano/Marc Equity Corporation to Town Board -
Requests permission to start construction on six model homes in the Trentwood Trail
Subdivision. DISPOSITION = Planning Committee
502. Neighbors of 53 Hemlock Lane to Town Board -
Petitions against Special Use Permit. DISPOSITION = Received and Filed
503. Highway Superintendent to Police Chief -
Notice of closing of Erie Street from Cemetery Road to Steinfeldt Road beginning 8/3/98
for a period of one month to replace a box culvert. DISPOSITION = Received and Filed
504. Jean Fialkiewicz to Supervisor -
Request for carry over of vacation time to 1998. DISPOSITION = Received and Filed
505. State Senator Volker to Supervisor -
Response to fax re: Town of Lancaster's application for proposed acquisition and expansion of
Westwood Park. DISPOSITION = Parks & Recreation Department
506. Seneca Meadows, Inc to Supervisor -
Announcement of opening of NYS Dept. Of Environmental Conservation approved Tire
Processing Facility. DISPOSITION = Received and Filed
507. State of NY Public Service Commission Public Meeting -
Results of meeting held July 15, 1998 re: approval of a limited partnership. DISPOSITION =
Received and Filed

508. NYSDEC to Supervisor -
Transmits approval for renewal of mining permit for Lancaster Stone Products.
DISPOSITION = Received and Filed
509. Lancaster School Superintendent to Supervisor -
Request serve as a member of Community Advisory Board. DISPOSITION = Received and Filed
510. Lancaster Rural Cemetery to Town Board -
Transmittal of copy of letter to Niagara Frontier Transportation Committee. DISPOSITION = Planning Committee
511. Town of Clarence Supervisor to Supervisor -
Expresses interest and requests comments re: a cooperative effort in Erie County for a joint investment pool. Disposition = Director of Administration and Finance
512. American Ref-Fuel to Town of Lancaster -
Notice of increase in costs re: Solid Waste Disposal Agreement. Disposition = Supervisor
513. Town Clerk to Town Board -
Transmittal of monthly contract expiration report. Disposition = Town Attorney

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER KWAK AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:15 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk